

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,816	03/18/2004	Richard W. Neu	39356/46546	5915

21888 7590 08/26/2005

THOMPSON COBURN, LLP
 ONE US BANK PLAZA
 SUITE 3500
 ST LOUIS, MO 63101

EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/803,816	NEU, RICHARD W.	
Examiner	Art Unit	
Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-15, 17-20, 22, 23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 17-20, 22, 23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 10, 11, 12, 17, 18, 22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 53-40995.

Japan 995 discloses a vessel converted from single outer hull construction into double hull construction

without alteration of the single outer hull (see figures 3 and 4), said single hull vessel 1 having a central cargo tank 27

flanked on either side by port and starboard wing tanks 6, said central cargo tank being defined by pre-located port and pre-located starboard sidewalls 3 and pre-located fore and aft transverse bulkheads 4, and further

comprising an added elevated floor 22 in said central cargo tank, said elevated floor spanning

said pre-located sidewalls and said pre-located bulkheads to define within said outer hull a sealed compartment separating the central cargo tank from the outer hull, further

Art Unit: 3617

comprising installing at least one hatch (see the broken lines in figures 3 and 4) in a pre-located topside deck of said vessel to provide access to an associated central cargo tank 27, and wherein said wing tank internal longitudinal bulkheads 3 comprise the sidewalls of the central cargo tank 27.

Japan 995 also discloses a vessel converted from single outer hull construction into double hull construction (see figure 4), said single hull vessel 1 having a central cargo tank 27 flanked on either side by pre-located port and starboard wing tanks 6, each of said wing tanks having pre-located internal longitudinal bulkheads 3 defining the sidewalls of the central cargo tank, wherein said vessel is converted into double hull construction solely by adding an elevated floor 22 spanning said sidewalls to define a sealed compartment separating the central cargo tank from the single hull, and further comprising a plurality of transverse bulkheads 4, further comprising installing at least one hatch (see the broken lines in figures 3 and 4) in a pre-located topside deck of said vessel to provide access to an associated central cargo tank 27, and said transverse bulkheads defining the central cargo tank, said elevated floor extending between and attached thereto.

Art Unit: 3617

Japan 995 also discloses a method for converting a vessel from single outer hull construction into double hull construction without alteration of the single outer hull (see figure 4), said single hull vessel 1 having a central cargo tank 27 flanked on either side by pre-located port and starboard wing tanks 6, said central cargo tank being defined by pre-located port and starboard sidewalls 3 and fore and aft transverse bulkheads 4, the method comprising adding an elevated floor 22 in said central cargo tank, said elevated floor spanning said pre-located sidewalls and said pre-located bulkheads to define with said outer hull a sealed compartment separating the central cargo tank 27 from the outer hull, further comprising adding at least one hatch (see the broken lines in figures 3 and 4) in a prelocated topside deck of said vessel, said hatch providing access to an associated central cargo tank 27, and further comprising adding support members 30 for supporting said elevated floor above the outer hull.

Japan 995 discloses in figure 3 the vessel converted by claim 17.

Japan 995 also discloses a vessel converted from a tanker vessel with a single hull construction (figure 2) into a bulk cargo carrying vessel with a double hull construction (figure 4), said single hull

Art Unit: 3617

vessel having a central cargo tank 27 flanked on either side by pre-located port and pre-located

starboard wing tanks 6, each of said wing tanks having internal longitudinal bulkheads 3 defining the

sidewalls of the central cargo tank, wherein said vessel is converted into said bulk cargo carrying

vessel with double hull construction by adding an elevated floor 22 spanning said pre-located

sidewalls 3 to define a sealed compartment separating the central cargo tank from the single hull

and by adding a hatch (shown by the broken lines in figures 3 and 4) in a prelocated topside deck 7 of the vessel above the central cargo tank to provide access to the central cargo tank.

The hatch shown by broken lines in figures 3 and 5 and surrounded by coaming 23 and 24 is considered to be dimensioned in a manner to allow prefabricated modular sections of the elevated floor to be passed through the hatch when the elevated floor is installed in the central cargo tank and in a manner to allow a crane positioned above the hatch to access substantially all areas of the central cargo tank. These define intended uses of the hatch and do not define any structure not anticipated by Japan 995. So long as the hatch can be used to perform the intended uses, the claims are not patentable over Japan 995.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 5, 6, 13, 14, 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 995 in view of Hagner.

Japan 995 does not disclose the elevated floor 22 comprising a plurality of bottom plates attached to each other and to the sidewalls and bulkheads. Japan 995 also does not disclose installing a plurality of bottom plates including installing a plurality of bottom plates that span the sidewalls and attaching adjacent bottom plates to span the bulkheads.

Hagner discloses plates 81.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to cut the piece of metal from the deck of Japan into plates similar to plates 81 of Hagner so that the elevated floor 22 of Japan 995 is made up of plates attached to each other and to the sidewalls and bulkheads and such that installing a plurality of bottom plates includes installing a plurality of bottom plates that span the sidewalls and attaching adjacent bottom plates to span the bulkheads. Motivation to do so is not to have to handle one big plate.

The longitudinal framing system of claim 4 would be made up of 30 and 31 of Japan 995.

The added support members of claim 5 would be 22a of Japan 995.

The added support members of claim 6 would be 15 of Japan 995.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 995 and Hagner as applied to claim 3 above, and further in view of Garcia.

Japan 995 does not disclose said central cargo tank including a longitudinal bulkhead extending along a length thereof to form a plurality of central cargo tanks, at least one of said central cargo tanks having said elevated floor, and wherein each of said plurality of central cargo tanks has an associated elevated floor.

Garcia discloses a central cargo tank including a longitudinal bulkhead 18 extending along a length thereof to form a plurality of central cargo tanks 12 and 14.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of the teachings of Garcia to provide Japan 995 with a longitudinal bulkhead similar to 18 of Garcia extending along a length thereof to form a plurality of central cargo tanks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide at least one of said central cargo tanks with the elevated floor 22 and also to provide each of the plurality of central cargo tanks with an associated elevated floor.

Motivation to do so is to convert a ship which has a plurality of central cargo tanks with the teachings of Japan 995, , or to modify the ship of Japan 995 to be of the type which

Art Unit: 3617

has two central cargo tanks, each smaller than a single larger tank. Thus, different types of cargo can be carried in each of the tanks making the ship more versatile.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 995 in view of Garcia.

Japan 995 does not disclose said central cargo tank including a longitudinal bulkhead extending along a length thereof to form a plurality of central cargo tanks, at least one of said central cargo tanks having said elevated floor.

Garcia discloses a central cargo tank including a longitudinal bulkhead 18 extending along a length thereof to form a plurality of central cargo tanks 12 and 14.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in view of the teachings of Garcia to provide Japan 995 with a longitudinal bulkhead similar to 18 of Garcia extending along a length thereof to form a plurality of central cargo tanks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide at least one of said central cargo tanks with the elevated floor 22.

Motivation to do so is to convert a ship which has a plurality of central cargo tanks with the teachings of Japan 995, or to modify the ship of Japan 995 to be of the type which

has two central cargo tanks, each smaller than a single larger tank. Thus, different types of cargo can be carried in each of the tanks making the ship more versatile.

Response to Arguments

7. Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive. One dictionary definition of a hatch is a cover for a hatchway (The Random House College Dictionary). Another definition is that a hatch can either be a cover for a hatchway opening or the opening itself (Webster's New Collegiate Dictionary). For purposes of interpretation of the claims, the opening in the deck will be considered to be the hatch. In Japan 995 when the deck 7a is removed to form plating 22, an opening in the deck is made. This opening is surrounded by coaming or walls 23 and 24. This opening is shown by broken lines in figures 3 and 4. This opening is the hatch claimed in claims 1, 10, 17 and 25. This hatch is installed in a prelocated topside deck 7 to provide access to an associated central cargo tank through coaming 23 and 24 and hatch 26.

8. Because applicant amended the claims to define the hatch in more detail, a new grounds of rejection with Japan 995 was necessitated.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hagner 836 is cited as being a continuation in part of Hagner 636. Hagner 836 has a filing date of March 23, 2004 while the instant application has a

Art Unit: 3617

filing date of March 18, 2004. Hagner 836 is cited to show hatches 90 and 93 of figures 17 and 18. Hatches 90 and 93 are added subject matter with respect to Hagner 636.


10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
8/24/05

August 24, 2005